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CALIFORNIA COURT OF APPEAL

FIRST APPELLATE DISTRICT

DIVISION FOUR

CHURCH OF SCIENTOLOGY	)	
INTERNATIONAL,	)	Appeal No. <b>A075027</b>
	)	
Plaintiff-Respondent	)	
	)	
v.	)	
	)	
GERALD ARMSTRONG,	)	Marin County Superior Court
	)	No. 157680
Defendant-Appellant.	)	Hon. Gary W. Thomas
	)	Superior Court Judge
_____	)	

**OPPOSITION TO MOTION TO DISMISS APPEAL;  
 CROSS MOTION TO STAY ENFORCEMENT OF JUDGMENT DURING APPEAL;  
 MEMORANDUM OF POINTS AND AUTHORITIES;  
 DECLARATION OF GERALD ARMSTRONG IN SUPPORT THEREOF**

**INTRODUCTION**

Defendant and Appellant Gerald Armstrong opposes the motion of Plaintiff and Respondent Scientology on the ground that if Scientology and Armstrong had the relationship Scientology claims in its moving papers, they did the things Scientology claims, and this appeal is as Scientology claims, Scientology may not obtain a dismissal of this appeal because such dismissal would constitute a Constitutionally impermissible denial of due

process, as well as a Constitutionally impermissible denial of the freedoms of speech, religion and association and freedom from slavery; and on the ground that Scientology's and Armstrong's relationship, their respective acts toward each other, their natures, and the history and state of litigation between them is not as Scientology claims in its moving papers, and that Scientology has unclean hands in this matter which bar Scientology from proceeding one moment further with this motion.

Further, Scientology's unclean hands in this matter, and Scientology's use of the Courts to accomplish injustice, in addition to the impermissible threat to basic Constitutional rights, require that this Court, by whatever powers or mechanisms it possesses, stay all enforcement of the Marin Superior Court's order of permanent injunction upon which Scientology brings this motion during the pendency of this appeal, and Armstrong so moves this Court.

This opposition and cross motion are based on the attached memorandum of points and authorities, the declaration of Gerald Armstrong and the accompanying exhibits, and the files of record of this case, and such other and further evidence as may properly come before this Court at the hearing of this matter.

Dated: December 27, 1997

Respectfully submitted,